

House Study Bill 178 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON ROGERS)

A BILL FOR

1 An Act relating to school district funding and authorized
2 expenditures and including effective date and applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

PROFESSIONAL DEVELOPMENT

Section 1. Section 284.6, subsections 8 and 9, Code 2017, are amended to read as follows:

8. For each year in which a school district receives funds calculated and paid to school districts for professional development pursuant to [section 257.10, subsection 10](#), or [section 257.37A, subsection 2](#), the school district shall create quality professional development opportunities. Not less than thirty-six hours in the school calendar, held outside of the minimum school day, shall be set aside during nonpreparation time or designated professional development time to allow practitioners to collaborate with each other to deliver educational programs and assess student learning, or to engage in peer review pursuant to [section 284.8, subsection 1](#). The funds may be used to implement the professional development provisions of the teacher career paths and leadership roles specified in [section 284.15](#), including but not limited to providing professional development to teachers, including additional salaries for time beyond the normal negotiated agreement; pay for substitute teachers, professional development materials, speakers, and professional development content; textbooks and curriculum materials used for classroom purposes if such textbooks and curriculum materials include professional development; administering assessments pursuant to [section 256.7, subsection 21, paragraph "b", subparagraphs \(1\) and \(2\)](#), if such assessments include professional development; and costs associated with implementing the individual professional development plans. The use of the funds shall be balanced between school district, attendance center, and individual professional development plans, making every reasonable effort to provide equal access to all teachers.

9. Moneys received pursuant to [section 257.10, subsection 10](#), or [section 257.37A, subsection 2](#), shall be maintained as a separate listing within a school district's or area

1 education agency's budget for funds received and expenditures
 2 made pursuant to this subsection. The department shall not
 3 require a school district or area education agency to allocate
 4 a specific amount or percentage of moneys received pursuant to
 5 section 257.10, subsection 10, or section 257.37A, subsection
 6 2, for professional development related to implementation of
 7 the core curriculum under section 256.7, subsection 26. A
 8 school district shall certify to the department of education
 9 how the school district allocated the funds and that moneys
 10 received under this subsection were used to supplement, not
 11 supplant, the professional development opportunities the school
 12 district would otherwise make available.

13 Sec. 2. EFFECTIVE UPON ENACTMENT. This division of this
 14 Act, being deemed of immediate importance, takes effect upon
 15 enactment.

16 Sec. 3. APPLICABILITY. This division of this Act applies to
 17 school budget years beginning on or after July 1, 2017.

18 DIVISION II

19 AT-RISK AND DROPOUT PREVENTION

20 Sec. 4. Section 257.11, subsection 4, paragraph d, Code
 21 2017, is amended to read as follows:

22 ~~d. Up to five percent of the total amount~~ Amounts that a
 23 school district receives as supplementary weighting pursuant
 24 to this subsection or as a modified supplemental amount
 25 received under section 257.41 may be used in the budget year
 26 for purposes of providing district-wide, ~~or~~ building-wide,
 27 or grade-specific at-risk and dropout prevention programming
 28 targeted to pupils who are not deemed at risk.

29 Sec. 5. Section 257.41, subsection 2, paragraphs a and b,
 30 Code 2017, are amended to read as follows:

31 a. Salary and benefits for instructional staff,
 32 instructional support staff, guidance counselors, and
 33 school-based youth services staff who are working with
 34 students who are participating in at-risk or dropout prevention
 35 programs, alternative programs, and alternative schools, in a

1 traditional or alternative setting, if the staff person's or
2 counselor's time is dedicated to working with such students in
3 order to provide services beyond those which are provided by
4 the school district to students who are not participating in
5 such programs or alternative schools. However, if the staff
6 person or counselor works part-time with students who are
7 participating in a program or alternative school and the staff
8 person or counselor has another unrelated staff assignment,
9 only the portion of the staff person's or counselor's time that
10 is related to the program or alternative school may be charged
11 to the program or school. For purposes of this paragraph, if
12 an alternative setting is necessary to provide for a program
13 which is offered at a location off school grounds and which
14 is intended to serve student needs by improving relationships
15 and connections to school, decreasing truancy and tardiness,
16 providing opportunities for course credit recovery, or helping
17 students identified as at risk to accelerate through multiple
18 grade levels of achievement within a shortened time frame, the
19 tuition costs for a student identified as at risk shall be
20 considered an appropriate use of the program funding under this
21 section.

22 *b.* Professional development for all teachers, counselors,
23 and staff working with at-risk students under a program or an
24 alternative school setting.

25 Sec. 6. Section 257.41, subsection 2, Code 2017, is amended
26 by adding the following new paragraphs:

27 NEW PARAGRAPH. *d.* Costs incurred for a program intended
28 to address high rates of absenteeism, truancy, or frequent
29 tardiness.

30 NEW PARAGRAPH. *e.* Costs incurred for programs authorized
31 under section 257.11, subsection 4, paragraph "d".

32 Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this
33 Act, being deemed of immediate importance, takes effect upon
34 enactment.

35 Sec. 8. APPLICABILITY. This division of this Act applies to

1 school budget years beginning on or after July 1, 2017.

2 DIVISION III

3 SCHOOL DISTRICT FLEXIBILITY

4 Sec. 9. Section 257.10, Code 2017, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 13. *Deference to school districts.* When
7 exercising authority to carry out an agency action, as defined
8 in section 17A.2, or any applicable activity or decision
9 specified in section 17A.2, subsection 11, paragraphs "a"
10 through "l", related to the provisions of subsections 9, 10, 11,
11 and 12, including the expenditure of funds received by a school
12 district under subsections 9, 10, 11, and 12, the department
13 of education shall engage in such agency action, activity, or
14 decision in a manner that gives deference to decisions of a
15 school district's board of directors, promotes flexibility for
16 school districts, and minimizes intrusions into school district
17 operations and decision making by boards of directors. In
18 addition, in any such agency action, activity, or decision, the
19 burden shall be on the department of education to demonstrate
20 that any decision or action of a school district's board of
21 directors is an irrational, illogical, or wholly unjustifiable
22 interpretation of a provision of law.

23 Sec. 10. EFFECTIVE UPON ENACTMENT. This division of this
24 Act, being deemed of immediate importance, takes effect upon
25 enactment.

26 Sec. 11. APPLICABILITY. This division of this Act applies
27 to school budget years beginning on or after July 1, 2017.

28 DIVISION IV

29 PRESCHOOL PROGRAM

30 Sec. 12. Section 256C.4, subsection 1, paragraph e, Code
31 2017, is amended to read as follows:

32 e. Preschool foundation aid funding shall not be used for
33 the costs of constructing a facility in connection with an
34 approved local program. Preschool foundation aid funding may
35 be used by approved local programs and community providers

1 for any purpose determined by the board of directors of the
 2 school district to meet standards for high-quality preschool
 3 instruction and for purposes that directly or indirectly
 4 benefit students enrolled in the approved local program,
 5 including but not limited to professional development for
 6 preschool teachers, ~~for~~ instructional equipment and supplies,
 7 ~~for~~ material and equipment designed to develop pupils' large
 8 and small motor skills, translation services, playground
 9 equipment and repair costs, food and beverages used by children
 10 in the approved local program, facility rental fees, child
 11 care, and for other direct costs that enhance the approved
 12 local program, including by contracting with community partners
 13 for any such services. Preschool foundation aid funding may be
 14 used by approved local programs for the costs of transportation
 15 involving children participating in the preschool program.
 16 The costs of transporting other children associated with the
 17 preschool program or transported as provided in section 256C.3,
 18 subsection 3, paragraph "h", may be prorated by the school
 19 district. Preschool foundation aid funding received by an
 20 approved local program that remain unexpended or unobligated
 21 at the end of a fiscal year shall be used to build the approved
 22 local program's preschool program capacity in the next
 23 succeeding fiscal year.

24 Sec. 13. EFFECTIVE UPON ENACTMENT. This division of this
 25 Act, being deemed of immediate importance, takes effect upon
 26 enactment.

27 Sec. 14. APPLICABILITY. This division of this Act applies
 28 to school budget years beginning on or after July 1, 2017.

29 DIVISION V

30 PHYSICAL PLANT AND EQUIPMENT LEVY

31 Sec. 15. Section 298.3, subsection 1, paragraph i, Code
 32 2017, is amended to read as follows:

33 *i.* The purchase of transportation equipment for
 34 transporting students and the repair of such transportation
 35 equipment ~~if the cost of the repair exceeds two thousand five~~

1 ~~hundred dollars~~. For the purposes of this paragraph, "*repair*"
2 means restoring an existing item of equipment to its original
3 condition, as near as may be, after gradual obsolescence or
4 physical and functional depreciation due to wear and tear,
5 corrosion and decay, or partial destruction, and includes
6 maintenance of an item of equipment.

7 Sec. 16. EFFECTIVE UPON ENACTMENT. This division of this
8 Act, being deemed of immediate importance, takes effect upon
9 enactment.

10 Sec. 17. APPLICABILITY. This division of this Act applies
11 to school budget years beginning on or after July 1, 2017.

12 DIVISION VI

13 GIFTED AND TALENTED PROGRAMS

14 Sec. 18. Section 257.43, Code 2017, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 7A. Proposed expenditures for the purposes
17 authorized in section 257.46, subsection 2A.

18 Sec. 19. Section 257.46, Code 2017, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 2A. For budget years beginning on or
21 after July 1, 2017, if the program goals, objectives, and
22 needs of gifted and talented children are satisfied, the
23 budget of an approved gifted and talented children program
24 may include expenditures and purposes that provide gifted and
25 talented programming or activities to those pupils who are not
26 identified as gifted and talented.

27 Sec. 20. EFFECTIVE UPON ENACTMENT. This division of this
28 Act, being deemed of immediate importance, takes effect upon
29 enactment.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to school district funding and authorized
34 expenditures.

35 Division I of the bill relates to the list of purposes for

1 which school districts and area education agencies may expend
2 funds that are calculated and paid to school districts and
3 area education agencies as supplemental aid for professional
4 development under the state school foundation program.

5 Currently, the funds received must be used to implement
6 the professional development provisions of the teacher
7 career paths and leadership roles specified in Code section
8 284.15. To the list of permissible professional development
9 expenditures currently in statute, the bill adds textbooks
10 and curriculum materials used for classroom purposes if
11 such textbooks and curriculum materials include professional
12 development and administering assessments pursuant to Code
13 section 256.7(21)(b)(1) and (2), if such assessments include
14 professional development.

15 The bill also prohibits the department of education from
16 requiring a school district or area education agency to
17 allocate a specific amount or percentage of professional
18 development moneys for professional development related to
19 implementation of the core curriculum.

20 Division I of the bill takes effect upon enactment and
21 applies to school budget years beginning on or after July 1,
22 2017.

23 Division II of the bill removes the 5-percent limit on the
24 amount of at-risk funding that a school district may use for
25 purposes of providing district-wide or building-wide at-risk
26 and dropout prevention programming targeted to pupils who are
27 not deemed at risk and authorizes such programming that is
28 grade-specific. The bill also adds guidance counselors to
29 the list of staff for which salary and benefits may be paid
30 with at-risk and dropout prevention program funding and adds
31 programs to address high rates of absenteeism, truancy, or
32 frequent tardiness to the list of authorized expenditures.

33 Division II of the bill takes effect upon enactment and
34 applies to school budget years beginning on or after July 1,
35 2017.

1 Division III of the bill provides that when exercising
2 authority to carry out an agency action, activity, or decision
3 related to categorical funding under the teacher salary
4 supplement, the professional development supplement, the
5 early intervention supplement, and the teacher leadership
6 supplement, the department of education is required to engage
7 in such agency action, activity, or decision in a manner that
8 gives deference to decisions of a school district's board of
9 directors, promotes flexibility for school districts, and
10 minimizes intrusions into school district operations and
11 decision making of boards of directors. In addition, in any
12 such agency action, activity, or decision, the burden shall be
13 on the department of education to demonstrate that any decision
14 or action of a school district's board of directors is an
15 irrational, illogical, or wholly unjustifiable interpretation
16 of a provision of law.

17 Division III of the bill takes effect upon enactment and
18 applies to school budget years beginning on or after July 1,
19 2017.

20 Division IV of the bill specifies that preschool foundation
21 aid funding may be used by approved local programs and
22 community providers for any purpose determined by the board
23 of directors of the school district to meet standards for
24 high-quality preschool instruction and for purposes that
25 directly or indirectly benefit students enrolled in the
26 approved local program, instructional supplies, translation
27 services, playground equipment and repair costs, food and
28 beverages used by children in the approved local program,
29 facility rental fees, child care, and for other direct
30 costs that enhance the approved local program, including by
31 contracting with community partners for any such services.

32 Division IV of the bill takes effect upon enactment and
33 applies to school budget years beginning on or after July 1,
34 2017.

35 Current Code section 298.3 authorizes school districts to

1 use physical plant and equipment levy revenues for the repair
2 of transportation equipment if the cost of the repair exceeds
3 \$2,500. Division V of the bill removes the \$2,500 repair cost
4 limitation.

5 Division V of the bill takes effect upon enactment and
6 applies to school budget years beginning on or after July 1,
7 2017.

8 Current Code sections 257.42 through 257.46 establish
9 requirements and funding for gifted and talented programs
10 established by school districts. Division VI of the bill
11 provides that for budget years beginning on or after July 1,
12 2017, if the program goals, objectives, and needs of gifted
13 and talented children are satisfied, the budget of an approved
14 gifted and talented children program may include expenditures
15 and purposes that provide district-wide or building-wide gifted
16 and talented programming or activities to those pupils who are
17 not identified as gifted and talented. The bill also requires
18 the gifted and talented program plans submitted by each school
19 district to the department of education to include information
20 on the additional types of expenditures authorized in the bill.

21 Division VI takes effect upon enactment.